

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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FAIL-SAFE, LLC,

Plaintiff,

Case No. 08-C-0310

v.

A. O. SMITH CORPORATION,

Defendant.

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**DEFENDANT A. O. SMITH CORPORATION'S MEMORANDUM  
IN SUPPORT OF *DAUBERT* MOTION TO EXCLUDE  
FAIL-SAFE'S CLAIM FOR FUTURE DAMAGES**

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**FILED UNDER SEAL**  
**REQUEST FOR CONFIDENTIALITY PENDING**